

Fitzgerald & Associates, PC
Nicholas Fitzgerald Esq. NF/6129
649 Newark Avenue
Jersey City, NJ 07306-2303
(201) 533-1100
Email: nickfitz.law@gmail.com
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY -- NEWARK
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In re:

Chapter 13

Peter J. DeLuca, III

Case No. 25-15790-SLM
Conf. Hearing Date: 7/27/25
Time: 8:30 a.m.

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**ATTORNEY'S RESPONSE TO SECURED CREDITOR'S [MORTGAGEE'S] OBJECTION
TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

I, Nicholas Fitzgerald, the above named debtor's counsel, hereby responds to the mortgagee's objection to the confirmation of the debtor's Chapter 13 plan as explained below.

The mortgagee objects to the confirmation of the debtor's proposed Chapter 13 payment plan because we had proposed that the debtor pay zero dollars in mortgage arrears through his payment plan as opposed to the \$8,867.44 in arrears stated by the mortgagee.

The debtor had filed his Chapter 13 case to repay back real estate taxes due on his home because the debtor was facing a tax foreclosure on his home.

What took place is that unbeknownst to us, the mortgagee paid off the tax claim. Therein lies the mortgagee's claim of \$8,867.44 owed. Robert W. Keyser, Esq. of the Taylor & Keyser law firm which represented the tax lienholder contacted me about

that matter and told me that the tax lienholder was going to withdraw its proof of claim.

Accordingly, we have **no objection** to the \$8,867.44 being paid through the plan.

Dated: June 23, 2025



Nicholas Fitzgerald
Debtor's Counsel

Exhibit -- Copy of Objection to Confirmation

Denise Carlon, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106
(215) 627-1322
Attorneys for MidFirst Bank

IN THE MATTER OF:

Peter J. DeLuca III

DEBTOR(S),

**IN THE UNITED STATES
BANKRUPTCY COURT FOR THE
DISTRICT OF NEW JERSEY**

CHAPTER 13
CASE NO. 25-15790 SLM

NOTICE OF OBJECTION

I, the undersigned, Esquire For KML Law Group, P.C., attorney for Secured Creditor **MidFirst Bank**, the holder of a Mortgage on the debtors' premises at **342 Roosevelt Avenue Lyndhurst, NJ 07071** hereby objects to the confirmation of the debtors' proposed Chapter 13 Plan for the following reasons:

1. On or before the Bar Date of August 11, 2025, Secured Creditor will file a secured proof of claim for an estimated pre-petition arrears in the amount of \$8,867.44.
2. Debtor's plan provides for payment in the amount of \$0.00 towards the arrearage claim of the Secured Creditor.
3. Debtor's Plan understates the amount of the Secured Creditor's claim by \$8,867.44 and does not provide sufficient funding to pay said claim.
4. Accordingly, Debtor's plan is NOT feasible, as it does not fully compensate the Secured Creditor.
5. In addition, the debtor's plan fails to comply with 11 U.S.C. 1322 and 11 U.S.C. 1325.

In the event the debtors cure the aforesaid payments due outside the Chapter 13 Plan prior to the Confirmation Hearing, the undersigned will not appear at the Confirmation Hearing and aforesaid objections should be deemed waived.

/s/ Denise Carlon, Esquire

Denise Carlon, Esquire
Attorney for MidFirst Bank

Dated: June 18, 2025